

**RHODE ISLAND DEPARTMENT OF LABOR & TRAINING  
DIVISION OF PROFESSIONAL REGULATION  
BOARD OF EXAMINERS OF PLUMBERS  
1511 PONTIAC AVENUE  
Building 70 – 2nd Floor Conference Room  
Cranston, RI 02920**

**TUESDAY, APRIL 15, 2008**

**In Attendance: Michael St. Martin, Chairperson**

**Richard Mandarini**

**Michael Raposa**

**Michael Newman**

**William Riley**

**Larry Giorgi**

**Vincent Walsh**

**Also in attendance: E. Patrick Luther, Investigator, Mary Ellen**

**McQueeney Lally, Esquire**

**Those not in attendance: Anthony Cardarelli**

**Chairperson, Michael St. Martin called the meeting to order at 9:02 a.m. There was a Quorum.**

**Michael St. Martin asked if the Board had reviewed the minutes from the March 18, 2008 meeting. William Riley made a motion to accept**

**the minutes, and Michael Newman seconded the motion. All Board members were in favor. Ayes have it.**

**There are three (3) hearings scheduled for today.**

**Those people testifying today will be sworn in by the Board Stenographer. E. Patrick Luther, RIDLT Plumbing Investigator, Anthony P. Marandola, William Frasier/CMC Mechanical, and Joseph Latuga were sworn in by the Board stenographer.**

**First hearing on the agenda is:**

**1. Anthony P. Marandola/Merit Mechanical #3269 –**

**E. Patrick Luther, RIDLT Investigator, read the violation: Violation No. 3269, dated August 17, 2007. Location of Violation: Wildberry Apartments, 95 Archambault Street, West Warwick, RI. On June 29, 2007, Merit Mechanical did have James Whittaker installing plumbing at the above job location. Mr. Whittaker is registered as a pipefitter/refrigeration apprentice (App. #18481). This is one (1) violation of RIGL 5-20-10 "Work for which an apprentice certificate is required".**

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**Pat Luther referred the Board to look at their packet that in the packet was a letter from the Plumbers & Pipefitters Local Union No. 51 (Joint Apprenticeship Committee), dated March 17, 2008 from David Marland, Training Coordinator that read: "Mr. Whittaker was referred to Merit Mechanical as a Plumbing Apprentice on January 2, 2007**

**E. Patrick Luther mentioned to the Board that this was a continuation from February 19, 2008 Board meeting. Mr. St. Martin advised the gentlemen of the Board to read through the transcript, as not many were here for last month's meeting, and bring them up to speed on this violation. The transcript stated that we were awaiting information from Mr. Marandola to be sent to E. Patrick Luther. Board members referred to the transcript of last month's meeting to refresh their memories. It was stated on pages 40 and 41 of the transcript that a finding of fact had occurred regarding violation No. 3269. Mr. Newman had made a motion, Line 24, regarding RIGL 5-20-10 "Work for which an apprentice certificate is required" had occurred. Mr. Riley seconded the motion. All Board members were in favor. Ayes had it.**

**On page 42 of the transcript, it was stated that correspondence would be sent to E. Patrick Luther and if Mr. Marandola can come forward with that paper, whatever the payroll is, the incremental raise, he thought he was a plumber, and did receive the raise, that we suspend the license, suspend the fee. Mr. St. Martin brought up the fact that at our last meeting we found that a Finding of Fact did occur.**

**We are here today to make a decision on the fine of \$950.**

**William Riley made a motion to suspend the fine for one (1) year pending any further violations. Larry Giorgi seconded the motion. All Board members were in favor. Ayes have it.**

**Mr. St. Martin advised Anthony Marandola of Merit Mechanical that a recommendation will be made to the Director and you will be notified in writing of her final decision.**

**Second hearing on the agenda:**

**2. William Frasier/CMC Mechanical #3403 –**

**E. Patrick Luther, RIDLT Investigator, read the violation: Violation No. 3403, dated February 21, 2008, William Frasier/CMC Mechanical.**

**On December 7, 2007, a permit was taken out with the City of Cranston, RI for the installation of plumbing at 20 Phenix Avenue, Cranston, RI by Joseph Latuga (MP02093). Central Mechanical & Contracting was awarded the job for the plumbing installation at the above job location, not Joseph Latuga. CMC Mechanical is not licensed in RI to advertise, make application for and take out permits, bid for work, or represent itself as a master plumber.**

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**On February 8, 2008, RIDLT Investigator E. Patrick Luther, witnessed Kevin Sweeney (JP002925) and Charles Broskey, (No Registration), moving plumbing supplies and tubs at 20 Phenix Avenue, Cranston, RI. It was determined that Mr. Sweeney and Mr. Broskey, were employed by CMC Mechanical, 1 Emerson Street, Mendon, MA. CMC Mechanical is not licensed in RI. At the time of the inspection, Mr. Latuga was not an officer or director of CMC Mechanical, and therefore, cannot take permits for CMC Mechanical. A revocation of license hearing will be held at the RIDLT on April 15, 2008, and your attendance is required.**

**Based on the facts and testimony brought before the Board today, Vincent Walsh made a motion that regarding violation 3403, dated February 21, 2008, that a finding of fact did occur regarding RIGL 5-20-9 "Acts for which a journey person license is required", RIGL 5-20-12 "Corporations and firms engaged in business", RIGL 5-20-26 "Municipal inspectors and installation permits", and that Mr. Frasier did take out a permit in Joseph Latuga's name, and that Mr. Latuga is not an officer/director of CMC Mechanical, and therefore, cannot take permits out for CMC Mechanical. Michael Newman's seconded the motion. All Board members were in favor. Ayes have it.**

**Michael Newman made a motion that the fine of \$1,500 (3 violations at \$500 each) for RIGL 5-20-33 be upheld. William Riley seconded the motion. All board members were in favor. Ayes have it.**

**In regards to RIGL 5-20-27(4) Michael Newman made a motion that violation No. 3403 did occur. William Riley seconded the motion. All Board members were in favor. Ayes have it.**

**Legal Counsel was asked what options the Board would have regarding the penalties for Grounds for Revocation of a License.**

**Michael St. Martin advised the Board, upon Legal Counsel's advice, that the Board has three options:**

**Suspend the revocation of a license, impose a fine of not less than \$500, or that the grounds of revocation of a license occurred and revoke the license.**

**Michael Newman made a motion that we suspend the Grounds of Revocation of a License for one (1) year pending any other violations, and if any other violations occur, the Grounds for Revocation of the**

**License will be re-instituted if another violation occurs, and that we impose a \$500 fine. William Riley seconded the motion. All Board members were in favor. A total fine of \$2,000 is due.**

**Michael St. Martin stated to Mr. William Frasier that he will be notified in writing, by mail of the Director's final decision.**

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**Third hearing scheduled for today:**

**3. Joseph Latuga #3402 –**

**E. Patrick Luther, RIDLT Investigator, read the violation: Violation No. 3402, dated February 21, 2008. Location of Violation: New Life Estates, 20 Phenix Avenue, Cranston, RI. On December 7, 2007, a permit was taken out with the City of Cranston, RI for the installation of plumbing at the above job location. On February 8, 2008, RIDLT Investigator, E. Patrick Luther, witnessed Kevin Sweeney (JP002925) and Charles Broskey (No Registration), moving plumbing supplies and tubs at the above job location. It was determined that they were employed by CMC Mechanical, 1 Emerson Street, Mendon, Massachusetts. CMC Mechanical is not licensed in RI to perform this work. Mr. Latuga is not an officer, nor is he a director of CMC Mechanical, therefore, cannot take permits out for CMC Mechanical.**

**A hearing will be held at the Rhode Island Department of Labor and Training, Bldg. 70, 2nd Floor Conference Room, Cranston, RI on April**

15, 2008. Your attendance is required, and the determination of “Grounds for Revocation of your License” will be held at this meeting.

E. Patrick Luther reported to the Board that they heard the scenario of what happened at 20 Phenix Avenue, Cranston from our last hearing we just heard. Mr. Latuga was not an officer, nor is he a director of CMC Mechanical and cannot take out permits for CMC Mechanical.

E. Patrick Luther passed out the permit that Joseph Latuga had signed for CMC Mechanical. Mr. Latuga signed the permit and the rest of the blank permit was filled in by CMC Mechanical.

Based on the previous hearing at 20 Phenix Avenue, Cranston, RI no monetary fine is imposed at this time, just a decision if there are grounds for revocation of a license.

Since the time of the violation, Pat brought up the fact that Mr. Latuga did the proper paperwork and now does work for CMC Mechanical.

Michael Neman made a motion that regarding Violation No. 3402, dated February 21, 2008, that a finding of fact did occur, regarding RIGL 5-20-27(4). Larry Giorgi seconded the motion. All Board members were in favor. The ayes have.

Michael Newman made a motion the Grounds for Revocation of

**License be suspended for one (1) year and be on probation for one year pending any further violations and that a fine of \$500 be imposed regarding RIGL 5-20-33 and if there are not other violations, this will be dismissed. William Riley seconded the motion. All Board members were in favor. The ayes have it.**

**Mr. St. Martin stated to Joseph Latuga that they will be notified in writing, by mail of the Director's final decision and that this is just a recommendation to the Director.**

**That concluded the hearings for today.**

#### **New Business:**

**William Riley made a motion to accept the Apprentice Registration for March 18, 2008 through April 15, 2008, Michael Newman seconded the motion. All Board members were in favor. E. Patrick Luther reported that the ratios have been checked and the cards will be issued.**

**Mr. Newman will report back to the Board next month regarding the person who is responsible to notify plumbers when there is a change in codes.**

**There was no further business.**

**Reviews were held after the Board meeting.**

**Michael Newman made a motion to adjourn the meeting at 10:10 AM.**

**Vincent Walsh seconded the motion. All Board members were in favor.**

**The next meeting of the Board of Examiners of Plumbers is scheduled for May 20, 2008, 1151 Pontiac Avenue, Building #70, Department of Labor and Training, second floor conference room, Cranston, RI 02920.**



**Minutes respectively submitted by Elaine J. Heiss, April 15, 2008.**